

USE LUSK EVIDENCE TO SHOW SOCIALISTS SUPPORT RED AIMS

**Testimony of Martens, Soviet
Agent, Read Into Record at
Trial of Assemblymen.**

MAYOR LUNN A WITNESS

**Ex-Socialist Testifies to Signing
Pre-Election Resignation and
to Being Disciplined.**

BUT DISAPPROVES TRIAL

**Chairman Chides Committee's Coun-
sel for Filling Record with
Irrelevant Matter.**

Special to The New York Times.

ALBANY, Jan. 28.—The testimony of Mayor George R. Lunn of Schenectady, now a Democrat, but twice elected Mayor by the Socialists, and the reading for an hour of testimony given by L. C. A. K. Martens, the Russian Soviet representative before the Lusk Committee, were the principal features of today's sessions of the hearing as to the eligibility of the five ousted Socialist Assemblymen to hold office.

Mayor Lunn related how he had signed, when he was first nominated in 1911, the resignation required from all candidates by the Socialist constitution enabling the party to recall them from office if they acted against its orders. When he ran again in 1913 he refused to sign a similar resignation and was defeated. Running again in 1915 he publicly announced that he would ignore the resignation provision and refuse to submit to party dictation. He was elected, but refused to make certain appointments desired by the party, and as a result he and the Schenectady local were read out of the party.

He regarded the resignation provision as unwise and immoral but did not think the "recall," as practiced by the Socialists, would, as a rule, be enforced over patronage matters, but only in case a Socialist in office refused to carry out party policies as pledged in the platform.

He denounced the anti-militarist clause in the Socialist Constitution and said he had been one of nine Socialists to vote for its elimination at the national convention in 1915. Congressman Victor L. Berger of Wisconsin, he testified, also sought its abandonment.

Mayor Lunn while on the stand registered his opposition to the method employed by the Assembly in seeking to purge itself of the Socialist members and later made public this statement:

"I believe in true Americanism and not in that hysterical Americanism which would rouse men to vengeance, even where the crime was not violence of action but variance of opinion. This is a time when we must think clearly and consistently. Faith in our institutions must not be threatened by allowing even legislators to do violence to the principles of our institutions. It is far more important that we be true to ourselves and the principles for which this great nation stands than that we permit vengeance against a minority, simply because they aggravate and irritate by their critical attitude. We must deal resolutely with any who are genuine enemies of this democracy and who peradventure seek its violent overthrow, but in our eagerness to accomplish this result we should be equally determined that free expression of opinion should not be destroyed. Safeguarding the rights of minorities is absolutely essential in order to preserve intact the rights of the majority. The tyranny of the many over the few is no less fatal than the tyranny of a group over a mass of men.

"Many of the indictments brought against our industrial order by the Socialists are true, but their method for improvement is hopelessly muddled. It seems to me, therefore, that agitation against grievances is best met by removing the cause of the grievance."

Attorney General Newton announced today that he had retained Martin Conboy, formerly director of the draft in New York City, as one of counsel for the Judiciary Committee.

Tells of Socialist Split.

When the forenoon session opened Seymour Stedman, for the Socialists, moved to strike from the record the letter introduced yesterday addressed to Ludwig C. A. K. Martens by the Socialists of the Eighth Assembly District. Mr. Stedman contended that the admission of the letter created an erroneous impression that the district organization was affiliated with the Socialist Party, when, in fact, it was bitterly hostile and had nominated a candidate at the primaries in opposition to Louis Waldman, one of the five Socialists suspended.

"I am satisfied," he said, "that the evidence will show that the organization

which issued that statement through its officer was not affiliated with the Socialist Party, had been excluded from the Socialist Party because of the very attitude taken by them which prompted the writing of this letter; that they took the seal; that they took the name, and they had a headquarters from which they were later required to move.

"It should not go out in the public mind that the party which wrote that letter, which was politically openly opposed to Mr. Waldman and which issued a letter from a different organization, the two organizations being bitterly hostile, should be tied up in the newspapers with Waldman and our organization."

He objected also to the admission of the speech made by Professor Alexander Trachtenberg, a Rand School lecturer, at the celebration of the second anniversary of the Russian Soviet, when August Claessens, one of the five suspended Socialists, also spoke.

"Any act of any person there would be incompetent, because you cannot charge it up to them," contended Mr. Stedman, "they would have no control over any statement made by any other speaker there, and could only be responsible for it if the meeting was called for an unlawful purpose and they knew it."

Arthur D. Sutherland, for the committee, maintained that it was for the defense to disconnect themselves with the Eighth Assembly District organization as to Trachtenberg's speech. Mr. Sutherland held it was made at a meeting of the Socialist Party, and, moreover, that Claessens in his speech embraced in words and phrases that are unmistakable the propositions set forth by Trachtenberg.

"Counsel would have known by a very little investigation that there was a break in the Socialist Party," Mr. Stedman replied.

"We object to having evidence brought in here of an organization that is separate from ours, the break having occurred, the severance being complete, and charging their theories up to us. Because in certain instances they raided, if you please, or took the seal and stationery of the organization, we should not be charged up with their theory. We are willing to stand by ours, our propaganda and our theory, without mitigating one dot what it purposes to do, but we object to having another political party's opinion foisted upon us by this indirect method."

"The whole story of this investigation," argued Mr. Stanchfield, "rests upon the proposition that the Socialist Party has embarked upon a program which calls for the overthrow of our form of Government, some assert by constitutional means, others by violence. My argument runs along this line; that every declaration, every speech, every statement of every man who is affiliated or belongs to that party, is bound by the speeches, the sentiments, the writings, the books, the publications of every other man affiliated with that association, whether they were present at the time when it was uttered or whether they were absent."

Chairman Martin ruled against the Socialists on both motions.

Mayor Lunn Called to Stand.

Anna Stern, Executive Secretary of the Bronx organization of the Socialist Party, identified a copy of a manifesto of the Socialist Party for the Bronx. Mr. Stanchfield read headings from the manifesto which included:

"Socialist Party Adopts Ringing Address to the American Workers at Chicago Convention."
"The Cost of War."
"The Peace of Violence."
"The League of Nations and the Capitalist Black Internationale."
"Workers Must Conquer State."
"The March of Labor's Hosts."
"U. S. Bulwark of Reaction."
"Civil Liberties Destroyed."
"Rampant Profiteering."
"U. S. Labor Awakening."

"Socialist Party Revolutionary and Uncompromising."

"Aim of Socialist Party, Democracy."

Mr. Stanchfield called the attention of Julius Gerber, Executive Secretary of the new local, to a copy of the manifesto in The New York Call, which said:

"We, the organized Socialists of America, pledge our support to the revolutionary workers of Russia and we declare our solidarity with the workers of Russia." Mr. Gerber asserted that the first declaration was not in the manifesto adopted by the convention, as the official document would show.

The committee's counsel then brought out testimony to show that in Assemblyman Waldman's district there were from 150 to 200 dues-paying members out of a total vote of 10,000 for all parties; in Assemblyman Claessen's district between 200 and 300 members, out of a total vote of 6,000.

Mr. Gerber testified that in the early part of April the Executive Committee expelled all branches that were then affiliated with what was known as the "left wing." By the "left wing" he meant that portion of the membership which became the Communist Party and the Communist Labor Party. Mr. Stanchfield introduced an article from The Call by Morris Hillquit which said: "We are all Socialists. Split need not weaken the movement. Let us waste no more time in quarreling, but throw our whole strength into the fight on capitalism."

George R. Lunn, Mayor of Schenectady and a former Socialist, was called as the next witness. He was asked whether just before the Mayoralty election in 1911 any one came to him with any document or paper that he refused to sign.

"On the night before election in 1911," said Mayor Lunn, "about 11 o'clock for the first time two men presented a blank resignation, which aroused my ire. But I was told either to sign it or there would be a squabble next day. I considered it illegal, but, nevertheless, I did sign it in 1911, once and once only."

"Do you remember the general phraseology of it?" Mr. Stanchfield asked.

"I do not, except that the import of it was that unless the mandates of the party were carried out the resignation could be sent in the Common Council."

Mr. Stanchfield then read a copy of a resignation which Mayor Lunn said was the same in form and substance as the one he had signed.

"Recognizing the Socialist Party as a purely democratic organization," said the document, "in which the source and seal of all power lies in the dues paying membership, as an elected or appointed official of the party, it shall be my duty to ascertain and abide by the wish of the majority of my local or political subdivision. To the end that my official acts may at all times be under the direction and control of the party membership I hereby sign and place in the hands of Local — my resignation from any office to which I may be elected (or appointed), such resignation to become effective when the local shall so vote. I sign this resignation voluntarily as a condition of receiving such nomination or appointment, and pledge my honor as a man, a Socialist, to abide by it."

Refused to Sign Resignation.

Mayor Lunn testified that in 1913 he did not sign a resignation and that in 1915 he made a public statement with regard to his position.

"I considered this resignation in 1911, or this blank, was more or less child's play," he said. "During the administration of 1911 and 1912 there was no serious division of opinion on any matters, but I made up my mind I never would do it again, so that in 1913 I refused to sign and no fuss was made of it. I was defeated, and I felt that I was defeated in large measure because of that fact. In 1915, in order that there might be no possible misunderstanding, before I was nominated I came out with a clear statement and repudiated that section of the constitution, declared that I would not stand for it and that I wanted them to know it before they nominated me and not accuse me of receiving a nomination under a misapprehension."

This caused a great furor. Members of the State Committee came to Schenectady, endeavoring to heal up the differences. They could not be healed up, and on the night that I received, in the unofficial convention, the nomination for Mayor, I stated:

"Before the nomination is made, understand thoroughly that I will be Mayor. I will not be dictated to by the local; I will not acknowledge that part of the constitution, and so forth and so on."

"With bitter opposition, I was, nevertheless, nominated and elected, but in spite of the fact that I had repudiated that particular part of the constitution, as soon as I came to make my appointments there was evidently the determination to influence me far more than I was willing to be influenced."

"I retained as Superintendent of Water a very efficient engineer, who was a Republican. To make a long story short, this was violently opposed and they threatened to discipline me. I don't know whether they were ordered to discipline me from New York, but they made charges against me as violating the constitution, violating that part

which I had repudiated before nomination.

"That being done, I was called to New York. Trying to harmonize things, the State Committee was willing to pass over the appointment of the engineer to the Water Department, but they wanted me to discharge an enrolled Socialist who was not a dues-paying member for the reason that the local claimed that he had voted for others than the Socialist nominees in certain particulars; that he had not voted for the Socialist candidate for the Assembly, and they wanted him discharged. I refused to discharge him and the discipline was attempted in the way of throwing me out of the organization, but they could not get the necessary two-thirds vote, so the New York organization, in order to discipline me, took away the charter from the Schenectady local and really fired the whole Schenectady contingent out and reorganized with those that would abide by the rules as regards control."

Mr. Stedman, on cross-examination, brought out that Mayor Lunn had appointed many persons who were not Socialists without objection from the party, and that the opposition was centered against one man, who had opposed the Socialist candidate for the Assembly.

"Have you any opinion on this proceeding," asked Mr. Stedman.

Lunn Opposed to Trial.

"I am very much opposed to it," Mayor Lunn replied. "My antagonism to the Socialist Party is very great, but not so great but that I consider this proceeding is contrary to the fundamental constitutional provisions; and I am in sympathy with the New York State law bodies like the New York State Bar."

"You understand," continued Mr. Stedman, "that the moral obligations of the Democratic or Republican Party are quite as fast and binding as the written one in the Socialist Party, generally speaking?"

"I think, regardless of parties, that the moral suasion on the elected officials is made as efficient and fast, hoping they may succeed in landing their man, and they are all alike."

Martens's Testimony Read.

Mr. Cuvillier of the committee asked Mayor Lunn whether he approved of the declaration of the Socialist Party that any one who appropriated money for military purposes would be expelled from the party. Mayor Lunn replied that he had opposed this provision at the National Convention in Chicago in 1914 or 1915.

Mr. Sutherland then offered in evidence the testimony given before the Luck Committee by L. C. A. K. Martens, the unrecognized envoy of Soviet Russia. When Mr. Stedman objected Mr. Sutherland urged that the testimony was part of the record of the Legislature, and Chairman Martin overruled the objection. Mr. Stedman then insisted that the testimony of Martens be read in its entirety, and an hour was consumed in the recital of testimony dealing largely with the early life of the Soviet envoy. It was then agreed that counsel for both sides should select from the testimony matter relevant to their contentions, which should be entered on the record.

Quote Solomon's Speech.

The final hour of the session was occupied by counsel for the committee in reading into the record speeches delivered by Assemblyman Charles Solomon, one of the five defendants, at the Brownsville Lyceum meeting, at which Waldman also delivered an address.

Solomon, as Chairman, made many speeches, and while appealing for money for the striking steel workers emphasized the fact that the men were fighting "Gary, the Government, and the constabulary." He also called on his audience to prepare to do battle in the Presidential election this year for Eugene Debs, who, though in jail under a conviction for disloyalty, he announced, was to be the Socialist standard bearer.

Speeches of the editor of The New York Call, defending the Bolsheviks, and of Abraham I. Shiplacoff, ex-Assemblyman, who praised a delegation representing the striking Boston policemen, were also read into the record.

Just before adjourning until tomorrow Chairman Martin mildly reprimanded the lawyers for the committee for frittering away a large portion of the afternoon session by piling into the record documentary evidence of doubtful value and relevancy. Mr. Martin said he was desirous that the "prosecution" should be closed this week.